

## **Town of McConnells Construction and Development Ordinance**

**All commercial or residential lots must have a minimum size of three acres. A Major Subdivision is any division of property requiring construction of a road paved to York County Road Standards. A Minor Subdivision is a division of property meeting minimum road frontage requirements of 150 feet and a minimum size of three acres.**

1.1 These subdivision regulations are adopted under authority granted by S.C. Code Title 6, Chapter 29, South Carolina Local Government Comprehensive Planning Enabling Act of 1994.

1.2 These regulations shall apply to all land subdivisions and division of property within the incorporated limits of the Town of McConnells as now or hereinafter established, except division of property by the will of a decedent.

1.3 The purpose of these subdivision regulations is to protect and promote the public health, safety and general welfare of the county by providing for the orderly development within the town. Specifically, the purpose of these regulations is to provide:

- I. Harmonious development of the town;
- II. Coordination of streets within a subdivision with existing streets, and other types and conditions of surrounding lands;
- III. Minimum lot size;
- IV. Reservation of lands for streets, roads, recreation areas and easements for utilities and other public services and facilities; and
- V. Distribution of the population and traffic.

1.4 No plat of the subdivision of land or division of property within the incorporated limits of the town shall be filed with or recorded by the Clerk of Court or Register of Deeds until the plat shall have been submitted to and approved by the town. Surveys and similar plats that represent existing parcels that have no new or changed property or lot lines can be recorded without approval provided the plat states that no new lines have been created.

A deed should not be recorded by the Clerk of Court or Register of Deeds for any property requiring the approval of a plat as provided in these regulations, unless an approved plat is recorded prior to or contemporaneously with such deed.

No building permit or certificate of occupancy shall be issued for any building or improvements in any subdivision established hereinafter until the plat of the subdivision has been approved by the town and recorded with the Clerk of Court or Register of Deeds.

1.5 No person shall proceed with any construction work on the proposed subdivision, including grading clearing, or grubbing, before obtaining subdivision construction plan approval of the construction plans.

Construction work shall be the carrying out of any building activity or the making of any material change in the use or appearance of any structure of land. An applicant may clear sight lines for surveys and provide access for boring equipment as necessary to obtain information for the final engineering plans.

1.6 A subdivision is the division of a tract of land into two or more parcels, except division of property by the will of a deceased person, provided that each parcel in the subdivision is conveyed to the spouse or issue of the decedent or the decedent's spouse. Every subdivision must provide a preliminary plat. A subdivision that creates additional parcels from a previous subdivision that has been approved within the prior five years cannot be subdivided until after the five-year period has expired.

A recombination of tracts within five years of the approval is not prohibited. This shall include the reconfiguration of lot lines between adjacent parcels. The combination of the entirety of two existing tracts of land is not subject to the requirements thereof.

1.7 A subdivision shall require all lots to have access to a road maintained by the state, county or residents by way of a road constructed within the subdivision. No lots of a major subdivision may have driveways or other access directly to a road outside of the subdivision. Roads in a major subdivision must be maintained by the residents or developer. A major subdivision shall require all lots to have access maintained by the state, county, or residents by way of roads constructed within the subdivisions. All roads within the major subdivision must be constructed to York County Roadway Standards. The developer must maintain the roads until warranty is complete when full responsibility for maintenance will be turned over to an established (HOA) Home Owners Association. The Home Owners Association must file a legal document with the Clerk of Court establishing the HOA. Final plat approval will not be given until proof of this filing is submitted.

1.8 Any person or corporation desiring to create a major subdivision shall submit the following information to the town:

A preliminary plat shall be drawn at a scale of 200 feet to one inch or greater. This map and supporting data shall meet basic standards of design as set forth in these regulations and shall be prepared according to the rules and regulations established for engineers and surveyors by the State Board of Registration for Professional Engineers and Land Surveyors. The preliminary plat is not required to be sealed by the surveyor; and

The preliminary plat shall include the following information:

*(1) General.*

- (a) The proposed name of the subdivision and owner and/or developer.

- (b) A graphic scale, north arrow and date (north arrow shall be identified as magnetic, true, grid or reference).
- (c) A vicinity map at a scale of not less than one inch equals one mile showing the relationship to the adjacent surrounding area.
- (d) The boundaries of the tract to be subdivided with all bearings and distances indicated (survey specifics are covered further in this chapter).

*(2) Existing conditions.*

- (a) Classifications of area to be subdivided as well as adjacent areas.
- (b) Total acreage of area to be subdivided.
- (c) The tax map number of the property to be subdivided.
- (d) Property owner(s) name and adjoining property owner or subdivision names.
- (e) Submit a FEMA Map with the boundary of the proposed subdivision located on it. Indicate on the preliminary plat the location of streams, lakes and land subject to the 100-year flood on the property to be subdivided. Base flood elevation to be shown on final plat. If a flood insurance study has not been performed, a base flood elevation can be indicated. Reference FEMA map numbers shall be supplied.
- (f) Location of adjoining property lines and existing buildings on the property to be subdivided.
- (g) Locations and rights-of-way of streets, roads, railroads and utility lines, and any other known easements either on or adjacent to the property to be subdivided. Specifics shall be given as to whether utility lines are in easements or rights-of-way and location of poles and towers shall be shown.
- (h) Size and location of existing sewers, water mains, drains, culverts or other underground facilities within the street or within the right-of-way of streets or roads adjoining the tract.
- (i) Location of city and county lines, if applicable.
- (j) Location of any known cemeteries or abandoned cemeteries, and adequate, unobstructed public access must be shown on the preliminary plat. A minimum of 10 feet of undisturbed buffer must remain around any such cemetery. If there are no such cemeteries, the preliminary plat should indicate that a physical review along with a review of the historic survey of York County maintained by the York County Cultural and Heritage Commission staff has been performed.

*(3) Utilities serving the proposed area (indicate the suppliers of the following):*

- (a) Well
- (b) Septic System

- (c) Electricity;
- (d) Natural gas;
- (e) Telephone

*(4) Proposed conditions.*

- (a) Layout and rights-of-way of proposed streets, cul-de-sacs and public crosswalks.
- (b) Boundary information of existing parcel proposed for development showing bearings and distances. Indicate derivation of survey data.
- (c) Total number of lots, lot area, layout of all lots, including lot numbers (lot numbers shall not be duplicated within the same or future phases), building setback lines, scaled dimensions of lots and utility easements with width and use.
- (d) Easements including sight, drainage, utility and recreational. Easements shall be centered on property lines or within road rights-of-way. NOTE: Structures such as electrical transformers are exempt from being surveyed when located outside of road right-of-way or not located on a property line.
- (e) Proposed use of all lots.
- (f) The length of each new road constructed. Measurements are to be taken from the centerline of the street beginning at the intersecting street right-of-way to the end of the street pavement. Each road shall have the required right of way, width, length and roadway diameter required by the York County Road Standards and shall meet county and state paved surface standards for newly paved roads. The termination of any road, other than an intersection with another road, requires a cul-de-sac or T-turnaround that meets all York County Road Construction Standards. A temporary terminus may have a paved T-turnaround with a minimum of 150 feet from the road in two opposing directions perpendicular to the road that is terminating and be a minimum of 20 feet wide.
- (g) Sight easement information for all roadway intersections including all existing and proposed. All pertinent information used in the calculations of the existing site distance shall be submitted for review by the town. (Example: Stopping sight distance shall be measured from a height of the eye of three feet and six inches to an object with a height of six inches. Distances shall be measured above the centerline of the street). Road profiles are not required provided sufficient documentation (sketch) is submitted assuring compliance.
- (h) Indicate location of any curb cut within 150 feet of proposed entrance (include both sides of road).
- (i) Layout and easements of proposed utilities. NOTE: Easements that cannot be centered on property lines shall be surveyed at final plat. Easements having a minimum width of ten feet and located along the side or rear lot lines shall be provided as required for utility lines and underground mains and cables. In no

case shall the total easement between two lots be less than 20 feet. These easements shall also allow for storm water drainage.

(j) A 50-foot minimum width bufferyard shall be maintained around the perimeter of all the proposed subdivision. This perimeter bufferyard shall be platted separately and not included as a part of a lot. The bufferyard shall be retained in its natural state and contain a minimum of 200 inches of trees per acre. Any portion of bufferyard areas that is void of existing trees shall be supplemented with one large maturing tree measuring a minimum of two-inch caliper at time of planting, planted every 40 feet on center, spaced appropriately based location(s) of existing trees.

*(5) General statements.*

(a) Statement indicating utilities are to be located exclusively inside road rights-of-way (unless otherwise noted).

(b) Statement indicating all proposed lots on existing streets will be accessed from the new street(s). NOTE: Lots in which a building permit has not been obtained and previously platted, by the developer, on the existing street shall be shown on the preliminary plat and are subject to this requirement and fee if applicable.

(c) Statement indicating proposed cellulosic burial sites shall be located on the final plat.

(d) Statement indicating the developer's responsibility to install the driveway culvert and paved apron prior to final plat approval.

1.9 A final plat of a major subdivision shall include all of the elements of the preliminary subdivision, and be substantively identical to the last approved preliminary plat, and sealed by Registered Engineer. No final plat shall be approved until roadways have been constructed, traffic control signs erected, and sight easements cleared.

1.10

(A) No parcel or lot of property in a major subdivision shall have less than three acres, exclusive of bufferyard and easements for roadways. The lot lines should be as perpendicular to the new road as conditions permit. No lot in a major subdivision shall be a flag lot, such that it becomes narrower than 100 feet before the rear line of the property.

(B) No parcel or lot of property subdivided shall have less than three acres, exclusive of bufferyard and easements for roadways in a major subdivision, except the recombination of lots existing before the adoption of these regulations is allowed provided that the parcel is not reduced by more than ten percent. Such exemption shall only apply once. No lot or tract shall be a flag lot such that it becomes narrower than 100 feet before the rear line of the property.

(C) All new parcels shall require a minimum of 150 feet of road frontage on existing public or private roads and possible 350' required by York County for access on major highways such as Hwy 322 and Hwy 321. Private roads must be a minimum easement that meet York County Road Construction Standards.

(D) Mobile Homes and Double Wides will be prohibited on any parcel or lot subdivided in a major or minor subdivision.

1.11 No more than one dwelling per three acres in a subdivision and no more than ONE dwelling per three acres in an individual residential property is permitted.

1.12 Any (No) structure shall be placed on a lot within the following setback requirements:

*For a major subdivision:*

Within 10 feet of each side line; 20 feet of the rear line and 50 feet from the front line, which shall be adjacent to at least one roadway. No structure shall be nearer to any roadway than 50 feet.

*For a minor subdivision:*

Within 20 feet of each side line; 50 feet from the rear line and 75 feet from the front line, which shall be adjacent to at least one roadway. No structure shall be nearer to any roadway than 75 feet.

1.13 To the extent that these regulations and a previously adopted ordinance conflict, the provisions of these regulations shall control.

1.14 These regulations do not require existing divisions of property to come into accordance with its rules, unless and until such existing parcels are modified, other than being entirely combined with another existing parcel, which is exempt.